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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,431	01/26/2001	Richard Varner	11-00	8048

23713 7590 05/13/2003

GREENLEE WINNER AND SULLIVAN P C  
5370 MANHATTAN CIRCLE  
SUITE 201  
BOULDER, CO 80303

EXAMINER

NOVOSAD, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3671

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DATE MAILED: 05/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/771,431

Applicant(s)

VARNER ET AL.

Examiner

Christopher J. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 43-62, 65-78, 94 and 95 is/are pending in the application.
- 4a) Of the above claim(s) 68, 69, 74-76 and 95 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-62, 70-73, 77 and 78 is/are rejected.
- 7) ☒ Claim(s) 65-67 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 15.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

Claims 1-42, 63, 64 and 79-93 have been canceled.

#### ***Election/Restrictions***

Applicant's election with traverse of Group I, claims 43-62, 65-78 and 94 and Species I, claims 43-62, 65-67, 70-73, 77, 78, 94 and 95 in Paper No. 19 is acknowledged. Accordingly, claims 68, 69, 74-76 and 95 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected Inventions and Species, there being no allowable generic or linking claim. The traversal is on the ground(s) that the inventions and species are sufficiently related so that a search of these groups and species would not represent an undue burden on the Office. This is not found persuasive because due to the different classification of the different groups and due to the different areas of search for the different species that would extend into different and diverse fields, it would in fact be a burden on the Office. In any event, Applicants have failed to point out an errors in the Restriction or Species requirements.

The requirement is still deemed proper and is therefore made FINAL.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 44-47, 49, 50, 55, 57-59 and 72 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation "at least about" in claim 44, lines 2 and 3 and in line 2 of claims 49, 50, 57 and 58 is indefinite since "at least" sets a minimum standard and "about" blurs this minimum standard.

The recitation "at most about" in claim 51, line 2 is indefinite since "at most" sets a maximum standard and "about" blurs this maximum standard.

Similarly, the recitation "more than about" in claims 44-46, lines 2 and 3 is indefinite since "more than" sets a minimum standard and "about" blurs this minimum standard.

Similarly, the recitation "no more than about" in claim 55, line 2 is indefinite since "no more than" sets a maximum standard and "about" blurs this maximum standard.

Similarly, the recitation "no greater than about" in claim 59, line 2 is indefinite since "no greater than" sets a maximum standard and "about" blurs this maximum standard.

In claim 72, line 1, the recitation "said form" lacks proper antecedent basis.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 43-60, 71-73, 77 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vigne alone.

Note the magnetic assembly 22 (Fig. 5) and the attracted material 14. The magnetic assembly is considered to comprise a cup serving as a "pole piece" since any magnet would inherently have a "pole".

Claims 43-60 and 78 distinguish over Vigne in requiring the specific distances recited therein at which the magnetic assembly begins to seek home from the form, in requiring specific gaussses of the depth-of-pull of the magnetic assembly, and in requiring a specific on-contact strength of the magnetic assembly.

These specific distances at which the magnetic assembly begins to seek home from the form, specific gaussses of the depth-of-pull of the magnetic assembly, and specific on-contact strength of the magnetic assembly merely represent obvious choices in engineering design to one of ordinary skill in the art at the time the invention was made for optimum connector performance and for optimum user convenience of the members of the form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the specific distances, gaussses and on-contact strengths noted above in the form of Vigne for the reasons noted.

Claims 43-61, 71-73, 77 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato alone.

Note the magnetic assembly 4 and the attracted material 13. The magnetic assembly is considered to comprise a cup serving as a "pole piece" since any magnet would inherently have a "pole".

Claims 43-60 and 78 distinguish over Sato in requiring the specific distances recited therein at which the magnetic assembly begins to seek home from the form, in requiring specific

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gausses of the depth-of-pull of the magnetic assembly, and in requiring a specific on-contact strength of the magnetic assembly.

These specific distances at which the magnetic assembly begins to seek home from the form, specific gaussses of the depth-of-pull of the magnetic assembly, and specific on-contact strength of the magnetic assembly merely represent obvious choices in engineering design to one of ordinary skill in the art at the time the invention was made for optimum connector performance and for optimum user convenience of the members of the form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the specific distances, gaussses and on-contact strengths noted above in the form of Sato for the reasons noted.

Claims 43-62, 70-73, 77 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teagarden alone.

Note Figs. 1-6. The magnetic assembly is considered to comprise a cup serving as a "pole piece" since any magnet would inherently have a "pole".

Claims 43-60 and 78 distinguish over Teagarden in requiring the specific distances recited therein at which the magnetic assembly begins to seek home from the form, in requiring specific gaussses of the depth-of-pull of the magnetic assembly, and in requiring a specific on-contact strength of the magnetic assembly.

These specific distances at which the magnetic assembly begins to seek home from the form, specific gaussses of the depth-of-pull of the magnetic assembly, and specific on-contact strength of the magnetic assembly merely represent obvious choices in engineering design to one

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of ordinary skill in the art at the time the invention was made for optimum connector performance and for optimum user convenience of the members of the form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the specific distances, gaussses and on-contact strengths noted above in the form of Teagarden for the reasons noted.

Claims 43-62, 70-73, 77 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osmond alone.

Note Figs. 1-5. The magnetic assembly is considered to comprise a cup serving as a "pole piece" since any magnet would inherently have a "pole".

Claims 43-60 and 78 distinguish over Osmond in requiring the specific distances recited therein at which the magnetic assembly begins to seek home from the form, in requiring specific gaussses of the depth-of-pull of the magnetic assembly, and in requiring a specific on-contact strength of the magnetic assembly.

These specific distances at which the magnetic assembly begins to seek home from the form, specific gaussses of the depth-of-pull of the magnetic assembly, and specific on-contact strength of the magnetic assembly merely represent obvious choices in engineering design to one of ordinary skill in the art at the time the invention was made for optimum connector performance and for optimum user convenience of the members of the form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the specific distances, gaussses and on-contact strengths noted above in the form of Osmond for the reasons noted.

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Claims 43-62, 70-73, 77 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter alone.

Note Figs. 1-3. The magnetic assembly is considered to comprise a cup serving as a "pole piece" since any magnet would inherently have a "pole".

Claims 43-60 and 78 distinguish over Hunter in requiring the specific distances recited therein at which the magnetic assembly begins to seek home from the form, in requiring specific gaussses of the depth-of-pull of the magnetic assembly, and in requiring a specific on-contact strength of the magnetic assembly.

These specific distances at which the magnetic assembly begins to seek home from the form, specific gaussses of the depth-of-pull of the magnetic assembly, and specific on-contact strength of the magnetic assembly merely represent obvious choices in engineering design to one of ordinary skill in the art at the time the invention was made for optimum connector performance and for optimum user convenience of the members of the form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the specific distances, gaussses and on-contact strengths noted above in the form of Hunter for the reasons noted.

#### ***Response to Amendment***

Applicants' statements with respect to new claim 95 and with respect to Exhibit A, the declaration of Mr. Jack Nellessen of Master Magnetics, Inc. has been noted but is moot since claim 95 has been withdrawn from consideration as noted above.

***Allowable Subject Matter***

Claims 65-67 and 94 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

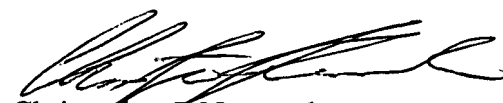
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 703-308-2246. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 703-308-3870. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1020.



Christopher J. Novosad  
Primary Examiner  
Art Unit 3671

May 13, 2003